

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

SEP 25 2009

HAROLD LEE BELTON,

Petitioner,

vs.

JUSTIN JONES,

Respondent.

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ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY W. N. DEPUTY

No. CIV-07-757-W

ORDER

On August 25, 2009, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this matter and recommended that the Petition for Writ of Habeas Corpus ("Petition") filed pursuant to title 28, section 2254 of the United States Code by petitioner Harold Lee Belton be denied. Belton was advised of his right to object, and the matter now comes before the Court on Belton's Objection to Report and Recommendation.

Belton was found guilty by a jury in the District Court of Oklahoma County, Oklahoma, of the rape of his nine-year-old grandson and pursuant to his conviction of rape in the first degree, after former conviction of two or more felonies, he was sentenced to a term of incarceration of twenty (20) years. State v. Belton, No. CF-2002-4120. Belton was unsuccessful in challenging his conviction on direct appeal to the Oklahoma Court of Criminal Appeals, Belton v. State, No. F-2004-1306 (Okla. Crim. March 24, 2006), and in state post-conviction proceedings. Belton v. State, No. CF-2004-4120 (July 13, 2006); Belton v. State, No. PC-2006-847 (Okla. Crim. August 31, 2006).

Belton has now sought federal habeas relief. Upon de novo review of the record and after careful consideration of the five grounds for relief that Belton has asserted in his


Petition, the Court finds that Belton has advanced no arguments or authorities that warrant the relief he has requested. Accordingly, the Court concurs with Magistrate Roberts' suggested disposition of this matter, and

(1) ADOPTS the Report and Recommendation [Doc. 18] issued on August 25, 2009;

(2) DENIES Belton's Petition file-stamped July 6, 2007; and

(3) ORDERS judgment in favor of respondent Justin Jones to issue forthwith.

ENTERED this 25th day of September, 2009.


LEE R. WEST
UNITED STATES DISTRICT JUDGE